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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,404	09/26/2001	Yoshiko Yamada	2576-112	9447

6449 7590 10/19/2004

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EXAMINER

MILLER, BRANDON J

ART UNIT PAPER NUMBER

2683

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/937,404

Applicant(s)

YAMADA, YOSHIKO

Examiner

Brandon J Miller

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2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto in view of Rao.

Regarding claim 1 Fujimoto teaches a portable telephone that receives a first voice signal, which is significant for communication of intentions between callers and a second voice signal other than the first voice signal together with a determination signal for determining whether a call signal is present or not (see col. 10, lines 17-20 & 32-55 and col. 11, lines 17-18). Fujimoto teaches converting voice signals that have been received into a sound for output (see col. 10, lines 36-43). Fujimoto teaches a battery that supplies electric power to its own circuits that is mounted on the portable telephone (see col. 10, lines 26-31). Fujimoto teaches a receiving circuit receiving signals (see col. 10, lines 26-27). Fujimoto teaches a receiving circuit sensing whether a first voice signal is present or not (see col. 10, lines 36-44). Fujimoto teaches sensing whether a call signal is present or not on the basis of a determination signal (see col. 11, lines 17-19). Fujimoto teaches a remaining amount sensing circuit sensing a remaining amount of the battery (see col. 10, lines 29-31). Fujimoto teaches an output circuit connected to the receiving circuit, and the remaining amount sensing circuit for converting the voice signals into a sound for

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output on the basis of the result of sensing a call signal and the result of sensing by the remaining amount sensing circuit (see col. 10, lines 32-43 and col. 11, lines 13-19). Fujimoto does not teach a determination signal specifically determining the presence of the first voice signal or a voice sensing circuit. Rao teaches a determination signal determining the presence of a first voice signal and a voice sensing circuit (see col. 1, lines 24-28 and col. 4, lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to specifically include a determination signal specifically determining the presence of the first voice signal and a voice sensing circuit because this would allow for an improved battery monitoring system for portable wireless devices.

Regarding claim 2 Fujimoto and Rao teach a device as recited in claim 1 except for the second voice signal is a signal that is transmitted at a predetermined time interval when the first voice signal is absent, and the portable telephone further includes a sending circuit connected to a receiving circuit and an output circuit sending the second voice signal that has been received at the time interval to the output circuit for the time interval. Fujimoto does teach transmitting a second voice signal (see col. 10, lines 39-44). Fujimoto does teach a portable telephone that includes a transmitting circuit connected to a receiving circuit and an output circuit sending the second voice signal that has been received (see col. 10, lines 23-31 & 49-53). Rao does teach switching a voice transmitting on and off based upon detection of voice signals (see col. 1, lines 24-29 and col. 6, lines 31-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include the second voice signal is a signal that is transmitted at a predetermined time interval when the first voice signal is absent, and the portable telephone further includes a sending circuit connected to a receiving circuit and

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an output circuit sending the second voice signal that has been received at the time interval to the output circuit for the time interval because this would allow for reduced battery power consumption in a portable wireless device.

Regarding claim 3 Fujimoto and Rao teach a device as recited in claim 1 except for a circuit stopping an output of the second voice signal in a case in which the first voice signal is not sensed by the voice signal sensing circuit and in which the remaining amount of the battery sensed by the remaining amount sensing circuit is less than or equal to a predetermined value, and starting the output of the second voice signal in at least one of a case in which the first voice signal has been sensed and a case in which the remaining amount of the battery is more than or equal to a predetermined value. Fujimoto does teach turning a transmitter/receiving unit off in a case in which the remaining amount of the battery sensed by the remaining amount sensing circuit is less than or equal to a predetermined value (see col. 8, lines 10-20, col. 13, lines 61-64, and col. 14, lines 1-5) and turning a transmitter/receiving unit on in a case in which the remaining amount of the battery sensed by the remaining amount sensing circuit is more than or equal to a predetermined value (see col. 8, lines 10-20 and col. 13, lines 52-60). Rao does teach stopping and starting the output of a voice signal based on detection of a first voice signal (see col. 1, lines 25-30 and col. 6, lines 31-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a circuit stopping an output of the second voice signal in a case in which the first voice signal is not sensed by the voice signal sensing circuit and in which the remaining amount of the battery sensed by the remaining amount sensing circuit is less than or equal to a predetermined value, and starting the output of the second voice signal in at least one of a case in which the first voice signal has been

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sensed and a case in which the remaining amount of the battery is more than or equal to a predetermined value because this would allow for reduced battery power consumption in a portable wireless device.

Regarding claim 4 Fujimoto and Rao teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 5 Fujimoto teaches a control circuit for controlling an operation of the output circuit on the basis of a result of sensing by a call signal sensing and a result of a sensing by a remaining amount sensing (see col. 10, lines 25-30 and col. 11, lines 13-19). Rao teaches voice activity detection (see col. 4, lines 1-3).

Regarding claim 6 Fujimoto and Rao teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 7 Fujimoto and Rao teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 8 Fujimoto teaches a portable telephone that receives a first voice signal, which is significant for communication of intentions between callers and a second voice signal other than the first voice signal together with a determination signal for determining whether a call signal is present or not (see col. 10, lines 17-20 & 32-55 and col. 11, lines 17-18). Fujimoto teaches converting voice signals that have been received into a sound for output (see col. 10, lines 36-43). Fujimoto teaches a battery that supplies electric power to its own circuits that is mounted on the portable telephone (see col. 10, lines 26-31). Fujimoto teaches receiving signals (see col. 10, lines 26-27). Fujimoto teaches a sensing whether a first voice signal is present or not (see col. 10, lines 36-44). Fujimoto teaches sensing whether a call signal is present or not on

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the basis of a determination signal (see col. 11, lines 17-19). Fujimoto teaches a remaining amount sensing means for sensing a remaining amount of the battery (see col. 10, lines 29-31). Fujimoto teaches an output connected to the receiving means, and the remaining amount sensing means for converting the voice signals into a sound for output on the basis of the result of sensing a call signal and the result of sensing by the remaining amount sensing means (see col. 10, lines 32-43 and col. 11, lines 13-19). Fujimoto does not teach a determination signal specifically determining the presence of the first voice signal or voice sensing means. Rao teaches a determination signal determining the presence of a first voice signal and voice sensing means (see col. 1, lines 24-28 and col. 4, lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to specifically include a determination signal specifically determining the presence of the first voice signal or voice sensing means because this would allow for an improved battery monitoring system for portable wireless devices.

Regarding claim 9 Fujimoto and Rao teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 10 Fujimoto and Rao teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 11 Fujimoto and Rao teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 12 Fujimoto and Rao teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 13 Fujimoto and Rao teach a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 14 Fujimoto and Rao teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 15 Fujimoto teaches a method of controlling voice output in a portable telephone that receives a first voice signal, which is significant for communication of intentions between callers and a second voice signal other than the first voice signal together with a determination signal for determining whether a call signal is present or not (see col. 10, lines 17-20 & 32-55 and col. 11, lines 17-18). Fujimoto teaches converting voice signals that have been received into a sound for output (see col. 10, lines 36-43). Fujimoto teaches a battery that supplies electric power to its own circuits that is mounted on the portable telephone (see col. 10, lines 26-31). Fujimoto teaches receiving signals (see col. 10, lines 26-27). Fujimoto teaches sensing whether a first voice signal is present or not (see col. 10, lines 36-44). Fujimoto teaches sensing whether a call signal is present or not on the basis of a determination signal (see col. 11, lines 17-19). Fujimoto teaches a sensing for sensing a remaining amount of the battery (see col. 10, lines 29-31). Fujimoto teaches converting the voice signals into a sound for output on the basis of the result of sensing a call signal and the result of sensing a remaining amount (see col. 10, lines 32-43 and col. 11, lines 13-19). Fujimoto does not teach a determination signal specifically determining the presence of the first voice signal. Rao teaches a determination signal specifically determining the presence of the first voice signal (see col. 1, lines 24-28 and col. 4, lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to specifically include a determination signal

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specifically determining the presence of the first voice signal because this would allow for an improved battery monitoring system for portable wireless devices.

Regarding claim 16 Fujimoto and Rao teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 17 Fujimoto and Rao teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 18 Fujimoto and Rao teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 19 Fujimoto and Rao teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 20 Fujimoto and Rao teach a device as recited in claim 6 and is rejected given the same reasoning as above.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reichelt U.S Patent No. 6,427,072 discloses a reserve power system for any battery-operated device.

Hayes, Jr. U.S. Patent No. 5,726,636 discloses an emergency telephone with automatic low-battery signaling.

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Berestesky U.S. Patent No. 6,321,194 discloses voice detection in audio signals.

Asano et al. U.S. Patent No. 5,905,965 discloses a radio communication apparatus which includes a base station and terminals that save power as they monitor for incoming calls from the base station.

Rasmussen U.S. Patent No. 6,088,600 discloses discontinuous transmission of circuit-switched analog cellular data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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October 14, 2004



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